



NIXON PEABODY LLP
ATTORNEYS AT LAW

100 Summer Street
Boston, Massachusetts 02110-2131
(617) 345-1000
Fax: (617) 345-1300
Direct Dial: (617) 345-1329
Email: npapastavros@nixonpeabody.com

October 27, 2004

VIA HAND DELIVERY

Honorable Nathaniel M. Gorton
U.S. District Court for the
District of Massachusetts
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, Massachusetts 02210

RE: TouchPoint Solutions, Inc. v. Eastman Kodak Company
Civil Action No. 4-11014-NMG

Dear Judge Gorton:

I write in connection with the above-captioned matter. Pursuant to your Honor's Memorandum and Order dated October 13, 2004, TouchPoint submitted its proposed order on October 20, and Kodak was to submit its counter-proposed order today.

The parties have been attempting to agree upon mutually acceptable injunction terms. We have agreed that we would like to continue this negotiation through next Tuesday, November 2, 2004. We would propose informing the Court during the morning of Wednesday, November 3 whether we have reached agreement regarding the terms of a proposed injunction. If we have not, Kodak would file its response to TouchPoint's motion for reconsideration and proposed order, Kodak's cross-motion for reconsideration, and its counter-proposed order that morning.

Accordingly, the parties jointly request an extension of time until Wednesday morning, November 3 for Kodak to submit its counter-proposed order and motion for reconsideration.

Respectfully submitted,

Nicholas G. Papastavros

cc: Joseph Hameline, Esq.
Robert B. Calihan, Esq.